

<p align="center">Notice of Allowability</p>	Application No.	Applicant(s)	
	10/510,124	DAHLBERG, ANDERS	
	Examiner Clark F. Dexter	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the pre-appeal conference held on October 22, 2009.
2. ☒ The allowed claim(s) is/are 13-17 and 20.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / ~~Comment or in the Office action of~~ Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
|--|---|

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment to claims 13, 18, 19 and 21 was given in a fax communication (a copy included herewith) from Ms. Jaclyn Schade and Mr. E. R. Hernandez that was submitted on November 18, 2009 which prima facie placed the application in condition for allowance.

In the Claims

Claims 18, 19 and 21 have been canceled.

Claim 13 has been rewritten as follows:

-- 13. (Currently Amended) A tool device for high-speed crosscutting a workpiece, comprising:

a striking unit comprising a striking piston supported and driven by a driving portion of the striking unit;

a tool housing;

a damper unit;

a movable crosscutting tool movably arranged within said tool housing;

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a fixed crosscutting tool fixedly arranged within said tool housing;
said striking piston arranged to administer a force to the movable crosscutting tool;

said fixed crosscutting tool arranged to exert a detaining force upon the workpiece; and

said damper unit constructed and arranged to brake the striking motion of said movable crosscutting tool; [[, and]]

wherein the tool housing has at least two supporting surfaces for positioning said movable crosscutting tool, said supporting surfaces being curved and having a same radius,

wherein a piston access recess is constructed and arranged between said curved supporting surfaces to provide a space through which ~~for movement of~~ said striking piston moves therein, and

wherein said movable crosscutting tool has curved edge surfaces in contact with said curved supporting surfaces of said tool housing, said curved edge surfaces having a substantially similar radius as said curved supporting surfaces to assist in alignment of said tool device.--.

Claim 20 has been rewritten as follows:

-- 20. (Currently Amended) The tool device according to claim 13, wherein said fixed crosscutting tool has curved edge surfaces that are fitted into a cylindrical fixed tool recess of the tool housing, said curved edge surfaces of said fixed crosscutting tool having a substantially similar radius as said cylindrical fixed tool recess.--

In the Specification

Page 2, line 1, "said" has been deleted.

Page 3, line 11, "driven by the" has been changed to the following:

--supported and driven by a driving portion of the--.

Page 4, line 35, "Fig. 5" has been changed to --Fig. 4--.

Page 6, line 20, --52-- has been inserted after "inner sleeve".

Page 7, line 9, --40-- has been inserted after "movable"; in line 32, "256A" has been changed to --254A--; in line 27, "element" has been changed to --elements--.

Page 9, line 11, --the driving portion of-- has been inserted before "the striking"; in line 21, "said" has been deleted.

Page 11, line 1, "T₈" has been changed to --T_H--.

In the replacement paragraph for the paragraph bridging pages 5-6 of the specification, which replacement paragraph was filed on October 24, 2007 (see page 3):

line 10, "through-hole 62" has been changed to -- through-hole 612 --.

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In the Drawings

2. The following changes to the drawings have been approved by the examiner:

In Figure 1, the lead lines for numerals 220 should be adjusted to contact the screw rather than the corresponding nut.

In Figure 4, the lead line for numeral 44A should be extended to contact the horizontal lower edge line located above the curved line which it currently contacts.

Applicant should make these above agreed upon drawing changes.

Remarks

3. In response to a pre-appeal brief conference held on October 22, 2009, the Examiner proposed to cancel claim 18 and its dependent claims 19 and 21 and to amend claim 13 in the above manner to more clearly distinguish the claimed invention over the prior art and thus to place the application in condition for allowance.

Additionally, the above changes have been made to claim 20 for antecedent basis purposes, and to the specification to correct informalities. Further, the above changes should be made to the drawings to correct informalities.

The additional prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

REASONS FOR ALLOWANCE

4. The following is an examiner's statement of reasons for allowance:

The prior art of record, either taken alone or in combination, does not teach or fairly suggest the claimed invention. For example, the prior art of record does not teach or suggest the combination of claimed features of the striking unit, the tool housing, the damper unit, and the crosscutting tools as claimed, particularly including curved supporting surfaces of the tool housing and the associated curved edge surfaces of the movable crosscutting tool as claimed in combination with the striking piston and the associated piston access recess as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Mondays, Tuesdays, Thursdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571)272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Clark F. Dexter/
Primary Examiner, Art Unit 3724**

cfd
November 18, 2009